SIXTY-FOURTH ANNUAL REPORT.

Mount Auburn Cemetery.

JANUARY 1, 1896.

ANNUAL REPORT

OF THE

TRUSTEES

OF THE

Cemetery of Mount Auburn,

FOR 1895,

TOGETHER WITH

THE REPORTS

OF THE

TREASURER AND SUPERINTENDENT.

SIXTY-FOURTH YEAR.

BOSTON:
ALFRED MUDGE & SON, PRINTERS,
No. 24 FRANKLIN STREET.
1896.

OFFICERS OF THE CORPORATION FOR 1896.

Trustees.

CHARLES F. CHOATE	*Term expires in*	1896
JOSHUA M. SEARS	" "	1896
DAVID W. CHEEVER	" "	1897
DAVID R. WHITNEY	" "	1897
ISRAEL M. SPELMAN	" "	1898
JEROME JONES	" "	1898
WILLIAM S. EATON	" "	1899
HENRY S. SHAW	" "	1899
JOSEPH SAWYER	" "	1900
T. QUINCY BROWNE	" "	1900
FRANCIS C. FOSTER	" "	1901
SAMUEL JOHNSON	" "	1901

President.

ISRAEL M. SPELMAN.

Treasurer.

H. B. MACKINTOSH.

Secretary.

L. G. FARMER.

Superintendent.

J. C. SCORGIE.

Office of the Corporation.

5 TREMONT STREET,
BOSTON.

Office of the Superintendent.

AT THE CEMETERY.
P. O. ADDRESS, CAMBRIDGE, MASS.

Orders for work on lots may be given at the office of the Superintendent, or sent by mail to his address.

SIXTY-FOURTH ANNUAL REPORT.

The Trustees herewith submit to the Proprietors their sixty-fourth annual report, and also the reports of the Superintendent and Treasurer.

The results of the general business stagnation are shown this year by a falling off in the receipts from sales of lots, but as the sales last year were unusually large the average of the two years preserves about the usual proportion.

The condition of the funds is as follows: —

The Repair Fund, which shows the amount paid in for the perpetual care of lots, and the income of which is pledged for that especial purpose, and cannot be applied to any other use, is $853,972.08, having increased during the year $41,755.26.

The Permanent Fund, accumulating under the By-Laws to provide for the care of the cemetery after all the lots are sold, is $353,301.89, showing an increase of $9,202.62.

The General Fund, owing to strict economy in the expenditures during the past year of small sales, has increased $15,852.62, and now amounts to $135,309.25.

During the past year the Trustees have been deprived of the valuable services of their late Superintendent, Mr. James W. Lovering, by his accidental death. Mr. Lovering was thrown from his vehicle and received injuries at first not thought serious, but which resulted in lock-jaw, and terminated his life on the eighteenth day of May, last.

Mr. Lovering was chosen superintendent in 1872, and continued to fill that office for twenty-three years; during which he devoted

himself entirely, and very successfully, to the improvement and development of the cemetery.

The following votes passed by the Board of Trustees at their meeting, May 24, 1895, show the appreciation in which he was held by the Trustees: —

Voted, That we deeply regret the loss of our late Superintendent, James W. Lovering, by accidental death, and the sudden termination of his long period of twenty-three years' service in the employment of this Corporation, during which he distinguished himself by his ability, high character, and devotion to our interests.

Voted, That we sincerely sympathize with his bereaved family in their affliction, and that the Secretary be directed to transmit to them a copy of these votes as our testimonial to his character and worth, and our appreciation of his valuable services.

At a meeting of the Board, June 14, 1895, James C. Scorgie was chosen his successor. Mr. Scorgie had been in the service of the Corporation for eleven years as Assistant Superintendent, and was selected among many applicants as best qualified to carry out and complete the improvements contemplated by the Board. Thus far he has fully answered the expectations of the Trustees.

Besides the usual repairs, the work of gravelling the avenues and paths has been continued during the past year, and about six hundred tons of crushed stone, delivered from the cars on our Fitchburg Railroad sidetrack, have been used for that purpose. Garden Avenue has been re-graded, and the grounds adjacent thereto raised to meet the new grade of Mount Auburn Street adopted by the city. The expense of this latter work has been met by an allowance for damages made by the city in consequence of this raising of the grade.

For the Trustees,

ISRAEL M. SPELMAN,

President.

SUPERINTENDENT'S REPORT.

To the Trustees of the Cemetery of Mount Auburn:

GENTLEMEN, — I have the honor to present herewith the Annual Report of the Superintendent for the year ending Dec. 31, 1895.

IMPROVEMENTS.

Number of new lots graded and bounded with granite posts	37
" old lots improved by being graded and sodded	34
" old lots bounded with granite posts	3
" lots enclosed with granite	0
" lots enclosed with iron fence	0
" lots furnished with granite or iron numbers	87
" tombs removed	2
" headstones erected	336
" monuments erected	60
" iron fences removed	50
" granite curbings removed	3

INTERMENT RECORD.

Total number of interments, as per last report		30,346
Number of original interments for the year ending Dec. 31, 1895	480	
" removals from other cemeteries	35	
Total number of interments for the year		515
" " " in cemetery		30,861
Of the above there were deposited in the receiving tomb	21	
" " " interments in public lots	26	

THE REMOVALS WITHIN AND FROM THE CEMETERY WERE AS FOLLOWS:

To public lots	1	
To private lots	29	
Total removals within the cemetery		30
" " from the cemetery		24
Total number of removals		54

Respectfully submitted,

J. C. SCORGIE,

Superintendent of the Cemetery of Mount Auburn.

MOUNT AUBURN, Dec. 31, 1895.

TREASURER'S REPORT.

RECEIPTS.

Cash balance from preceding year			$12,744.58
He has received from sundry parties, —			
For sale of lots		$10,518.40	
" labor and material on lots	$57,228.74		
" deposits in receiving tomb	992.00		
		58,220.74	
For deeds and transfers		172.00	
Notes receivable	$150,000.00		
Interest on loans	5,157.90		
From Massachusetts Hospital Life Insurance Company, for income on Permanent Fund	8,000.00		
From Massachusetts Horticultural Society for one quarter of expenditure for grading new lands, for sale	215.07		
		163,372.97	
			232.284.11
			$245,028.69

FOR THE 64TH YEAR, 1895.

EXPENDITURES.

He has paid sundry parties, —		
For labor (pay roll)	$35,673.53	
" materials	11,684.54	
" repairs of buildings and fences	1,398.85	
" receiving tomb drawbacks	18.00	
		$48,774.92
For expenses, —		
For salaries	$9,033.20	
" office expenses	1,882.54	
" taxes on real estate	974.04	
		11,889.78
For notes receivable	$128,000.00	
To amount paid Massachusetts Horticultural Society for its proportion of sales	2,523.10	
" amount paid Massachusetts Hospital Life Insurance Company for Permanent Fund	3,501.13	
" amount paid for interest account	1,123.33	
		135,147.56
Balance in hands of Treasurer		49,216.43
		$245,028.69

RECEIPTS AND EXPENDITURES OF THE REPAIR FUND.

Balance in the hands of Treasurer, as per last report		$13.821.82
He has received, —		
From notes receivable	$188,485.00	
" endowments	26,229.00	
" income of investments	40,970.14	
		255,684.14
		$269,505.96
He has paid for said account, —		
Interest	$629.57	
For care and improvements of lots	24,814.31	
" notes receivable, secured by mortgage	237,000.00	
		$262,443.88
Balance in hands of Treasurer		7,062.08
		$269,505.96

REPAIR FUND.

PROPERTY.

Endowments for perpetual repair of lots, as per last report	$812,216.82	
Additions during the year	41,755.26	
		$853,972.08
Invested as follows, —		
Notes receivable, secured by mortgage	$829,100.00	
$10,000 Boston City Bonds	9,710.00	
30 shares Atlas National Bank, cost	2,970.00	
20 shares Atlantic National Bank, cost	2,700.00	
20 shares Shawmut National Bank, cost	2,430.00	
		$846,910.00
Cash in hands of Treasurer		7,062.08
		$853,972.08

GENERAL FUND.

CASH ASSETS.

Cash in hands of Treasurer		$49,216.43
Notes receivable		78,000.00
Bills for labor and material uncollected	$9,373.59	
Less due sundry parties for labor and material	1,280.77	8,092.82
		$135,309.25

PERMANENT FUND.

Deposited with Massachusetts Hospital Life Insurance Company, as per last report		$344,099.27
Deposited in December, 1895	$3,501.13	
Interest	5,701.49	
		9,202.62
		$353,301.89

THE OTHER PROPERTY OF THE CORPORATION

Consists of nearly 136 acres of cemetery grounds, with avenues and paths, water works for the supply of fountains and watering purposes, and underground pipes and drains, chapel and statuary, observatory, receiving tomb, gateway and other structures, reception house, and 5,620 feet of land on Mount Auburn Street, Superintendent's house, greenhouses, and 59,936 feet between Brattle and Mount Auburn streets, the Coolidge Lot on Grove Street, containing about six acres, the Bird Lot on Sawin and Cottage streets, containing about 44,000 square feet, and the Stone meadow on the east side of Coolidge Avenue, containing about five acres, on which are located the stables and other buildings.

Respectfully submitted,

H. B. MACKINTOSH, *Treasurer.*

BOSTON, Jan. 1, 1896.

This certifies that we have examined the books and accounts of the Treasurer of the Proprietors of the Cemetery of Mount Auburn for the year eighteen hundred and ninety-five, and have found them correctly kept and properly balanced, with satisfactory vouchers for all payments.

The certificates of stock and other evidences of property were found in accordance with the statements of his accounts.

In the general account there appears to be a balance in the hands of the Treasurer of $49,216.43, and in the fund for repairs, $7,062.08.

T. QUINCY BROWNE,
HENRY S. SHAW, } *Committee on Finance.*

JANUARY 23, 1896.

PERPETUAL REPAIR OF LOTS.

It is provided by Art. VIII. of the By-laws as follows : —

Donation in Trust. — "The Trustees may receive in trust from a Proprietor any sum of money, the *income* of which shall be appropriated to the repair of his lot, according to the terms of trust expressed in the form provided."

Perpetual Repair, with Guaranty.— "The Trustees may also guarantee the *perpetual* repair of lots, upon the payment of such a sum as the Committee on Lots shall deem sufficient for that purpose a form for which is also provided."

"All such sums shall collectively constitute a separate fund, called the 'Repair Fund,' and shall be invested in the public debt of the United States, or in that of the State of Massachusetts, or in the debt of any of the counties, cities, or towns of this State, or in mortgages of real estate in any city or town in Massachusetts, or in first-mortgage bonds, or debenture bonds of railroads not mortgaged, of any railroad company incorporated under the authority of this Commonwealth, which has earned and paid regular dividends for the two years next preceding such investment."

"Each lot in relation to which such a contract shall have been made shall be credited, in a book kept for the purpose, with the principal sum paid on account of said lot; and at the close of each year a ratable proportion of the net income of the whole Repair Fund shall be carried to its credit, in conformity with the terms of said contracts."

Reconveyance in Trust.— "A Proprietor who shall have contracted with the corporation for the care and preservation of his lot forever, desiring to place the same in perpetual trust, for the purpose of restricting the right of burial, or for any other legitimate object, may, with the consent of the Committee on Lots, reconvey such lot to the corporation, to hold the same forever, for the uses and trusts

expressed in his deed of reconveyance; reserving to himself, and to such as may be beneficiaries thereunder, the right of admission, and such supervision as may not be inconsistent with the rights which have vested in the corporation."

Annexed to the GUARANTEE CONTRACT is a report by the Superintendent, with drawings, describing in detail the condition of the lot and structures thereon. The amount deposited is an *insurance* FOREVER that the lot and its belongings shall always be maintained in the condition shown in the report which is made the basis of the contract.

To cover all the contingencies of the near and remote future, a sum is fixed, the income of which will be sufficient to provide for the care of the grass, including resodding, and the repair and renewal of such tomb, curb, monument, or headstone, as shown in Superintendent's report.

If any monument, or headstones are added subsequent to the contract, they can be covered in the same manner.

After a contract for perpetual repair, with *guaranty*, has been made, the lot may be reconveyed to the corporation *in trust*, naming in the deed the persons thereafter to be interred. The *title* to the lot being thus vested in the corporation, a *perfect security* is given that the wishes of the proprietor will be carried out.

Under the contract for DONATION IN TRUST, the *income* of any sum deposited is applied to the care and preservation of the lot.

The necessary forms for provision by will for the above are given herewith.

JAMES C. SCORGIE,
Superintendent.

CEMETERY OF MOUNT AUBURN.

FORM FOR CLAUSE IN WILL TO BEQUEATH MONEY FOR "PERPETUAL REPAIR, WITH GUARANTY," OF LOT.

I hereby direct my executors to pay to the Proprietors of the Cemetery of Mount Auburn such sum of money as may be found necessary to obtain from said corporation a contract for the Perpetual Repair, with Guaranty, of my Lot, No. on the way called in said Cemetery.

FORM FOR CLAUSE IN WILL DIRECTING "RECONVEYANCE OF LOT TO CORPORATION IN TRUST."

[*Reconveyance is only accepted after a Contract for Perpetual Repair, with Guaranty, has been made.*]

I hereby authorize and empower my executors to reconvey my Lot, No. , in trust, to the Proprietors of the Cemetery of Mount Auburn, in consideration of the Contract of Perpetual Repair, with Guaranty, for the purpose of securing it as a burial place for myself and the following persons:

and no other interments to be allowed.

PRICES FOR THE CARE OF LOTS.

ADOPTED BY THE TRUSTEES.

FOR 1896.

SIZE OF LOT.	CARE.	TOP-DRESSING, DURING NOVEMBER ONLY.	
100 square feet.	$1.50	$1.00	Larger lots at special rates.
200 " "	2.00	1.50	Lots containing fractional parts of 100 feet will be charged the rate of the next larger size, when that fraction exceeds 50 feet.
300 " "	3.00	2.00	
400 " "	4.00	2.50	
500 " "	5.00	3.00	
600 " "	6.00	3.50	
700 " "	7.00	4.00	
800 " "	8.00	4.50	

Proprietors are requested to mail their orders to Superintendent, Cambridge.

Estimates for grading and sodding, and repairs on lots, including cleaning monuments and headstones, will be furnished to proprietors on application, personally, or by letter, at Superintendent's office, Cambridge. Iron fences and granite copings removed without expense to proprietors, who will be credited with any excess over cost of removal.

Single-chamber tombs, with entrance above ground, will be removed, the lot regraded, and the necessary reinterments made, without charge, except for boxes, brick graves, resodding, or corner posts, when required.

Orders for foundations for Monuments and Headstones should specify, either by diagram or accurate description, the exact location in the lot which is desired, and should be given ***at least two weeks before wanted.***

TO PROPRIETORS.

INFORMATION.

The following statement is presented in answer to the question frequently asked in regard to the title to a lot when the proprietor dies.

Title to lot held as real estate.

By the original act of incorporation, lots are held as real estate. The proprietor can convey, or by will devise, his lot; but if he dies intestate it descends to his heirs-at-law, who are (Pub. St., ch. 125, § 1) : —

If proprietor dies intestate.

Heirs-at-law.

1. Children, and issue of any deceased child.
2. If no issue, then his or her father and mother.
3. If no issue nor mother, then his or her father.
4. If no issue nor father, then his or her mother.
5. If no issue, and no father nor mother, then his or her brothers and sisters, and children of any deceased brother or sister.
6. If no issue, and no father, mother, brother, nor sister, then next of kin.

Rights of widow in lot.

A widow has, in common with the children of her deceased husband, the possession, care and control of his lot during her life; and if he leaves no children, she has the sole possession, care and control of the lot during her life. She has also a right of interment therein, of which she cannot be deprived except by her own release. Acts of 1885, ch. 302.

Provisions of will.

If a proprietor in his will makes no devise of the lot, it becomes a part of the residuary estate; or if not devised, and no bequest of the residue is made, it descends to the heirs-at-law.

Representative to be designated.

Pub. St., ch. 82, § 3, and sect. 8 of the Charter of the corporation, provide, "if there be more than one devisee or heir-at-law, the Board of Trustees may designate which one shall represent the lot."

Representative no control over title.

This designation *does not affect the title.* They (the heirs or devisees) are tenants-in-common; no sale can be made unless all sign conveyance.

Petition for representative. Importance of prompt return.

It is IMPORTANT that the petition for representation (furnished by the Secretary) should be PROMPTLY returned with the names and residences of the heirs, and signed by a *majority:* otherwise delays may occur at the cemetery in ascertaining whether the order for interment is properly signed.

Lots indivisible. No record of part ownership.

Lots are *indivisible*, and "no record of any person's interest in a lot, less than the entire ownership, shall be made on the books of the corporation." (Rules and Regulations, Art. vii.)

L. G. FARMER,
Secretary.

Proprietors of the Cemetery of Mount Auburn.

Office of the Corporation, 5 Tremont Street.

BOSTON, Jan. 23, 1896.

The Annual Meeting of the Proprietors of the Cemetery of Mount Auburn will be held at the Horticultural Hall, Tremont Street, Boston, on Monday, Feb. 3, 1896, at 3 1-2 o'clock P. M., to hear the Annual Reports, choose Trustees, and transact any other business that may legally come before the meeting.

L. G. FARMER, Secretary.